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November 29, 2018

Via ECF

United States District Court
Southern District of New York
40 Foley Square, Room 2203
New York, NY 10007
Attn: Judge Ronnie Abrams

Re: Ortiz v. Café 71, et. al.
16-cv-4412 (RA) (JCF)

Dear Judge Abrams:

We represent Café 71, Inc., Alexander Zarwi, Balwinder Singh and Kadra Zarwi in this matter, and write pursuant to this Court's November 20th Order.

On November 27, 2018 I spoke with Alexander Zaewi and Kadra Zarwi by telephone and read to them Your Honor's November 20th Order in its entirety, and answered their questions. I then read to them the letter Plaintiff's counsel had submitted to the Court via ECF earlier that day, and answered their questions about opposing counsel's correspondence to the Court. Defendants indicated that they understood Plaintiff's June 20, 2017 letter to express the compromised result of negotiations, rather than the most Plaintiff could possibly recover if he prevailed on every fact he contended and every conclusion of law he proposed. Defendants did not consider Plaintiff's June 20, 2017 letter to be the "best case" he could prove. Both Alexander and Kadra Zarwi expressed awareness that the negotiated compromises reflected in the settlement agreement would likely be less expensive than attempting to prevail on their own best case scenario at trial. Defendants expressed an understanding of the risk of an adverse finding on one or more of Plaintiff's factual contentions. Defendants considered the potential consequences of increasing their risk of a verdict in excess of the settlement amount.

Immediately after speaking with Mr. and Mrs. Zarwi, I then forwarded to them via email and PDF the Court's November 20th Order, Plaintiff's counsel's June 20, 2017 fairness letter to the Court, the parties' proposed settlement agreement and Plaintiff's counsel's November 27, 2018 explanatory letter to the Court.

On November 28, 2018 I spoke again with Alexander Zaewi and Kadra Zaewi who confirmed they had shown to Balwinder Singh all the documents I had sent to the Zarwi's the day before. On November 29, 2018 I spoke to Balwinder Singh by telephone, who confirmed he had received the documents I'd sent to Mr. and Mrs. Singh. The individual Defendants have discussed among themselves the Court's Order of November 20, 2018, the proposed settlement agreement, and the Plaintiff's counsel's letters to the Court. After several days of consideration and discussion, there is no disagreement among the defendants to approve the proposed settlement agreement.

Accordingly, I now affirm that each individual Defendant and the corporate representative has been shown the Court's November 20 Order, the June 20, 2017 fairness letter, and the proposed settlement agreement. Each of the Defendants have elected to avoid the only two certainties in litigation; aggravation and expense. Accordingly, the Defendants have directed me to advise the Court that each individual defendant and the corporation have approved the proposed settlement agreement.

Please contact me if the Court has any further questions.

Respectfully submitted,

/S/Douglas Weiner
Douglas Weiner

Cc: All ECF recipients